



TOWN OF FAIRHAVEN, MASSACHUSETTS

CONSERVATION COMMISSION

Town Hall · 40 Center Street · Fairhaven, MA 02719

Memorandum

Date: May 6, 2019

To: Conservation Commission

From: Whitney McClees, Agent

RE: Recommendations for May 6, 2019 Meeting

CON-19-029 **200 Mill Road**

Notice of Intent filed by Paul Downey, Mill Bridge Holdings LLC, for the construction of a 72-space parking expansion within the 100-foot buffer zone to a Bordering Vegetated Wetland at the property located at 200 Mill Road, Assessors Map 36, Lot 11A.

Recommendation: None, continued to 5/20

CON-19-037 **497 Sconticut Neck Road**

Notice of Intent filed by Martha Tichon for the removal of a horse paddock encroaching on Bordering Vegetated Wetland and the creation of a new paddock in an upland area at the property located at 497 Sconticut Neck Road, Assessors Map 29, Lot 28B. Work to take place within the Buffer Zone to Bordering Vegetated Wetland.

Recommendation: Notify the Conservation Agent 72 hours prior to beginning work, ACC-1, ADD-1, ADD-4b, BLD-2, BLD-3, BLD-4, COC-1, CHM-2 (shall be an ongoing condition and be noted in the Certificate of Compliance), MAC-3, DEB-1, DER-1, DER-4, EMC-1, REC-1, REC-3, REP-1, REP-2, REP-3, REP-8, REP-12, STO-4, WET-2, Move the debris pile off the edge of the wetland and install an erosion barrier to prevent impact to the resource area, The fence depicted in the plans dated 4/29/2019 shall be the limit of work, no work now or in the future may occur beyond the fence and this shall be an ongoing condition recorded in the Certificate of Compliance

Notes: At least 350 sq. ft. of replication. Consider closing public hearing and issuing OOC 5/20

CON-19-050 **46 Sconticut Neck Road**

Notice of Intent filed by Joshua Alves, Alexander Grey Development LLC, for the construction of an 8-house subdivision, roadway, stormwater facility, and utilities and for wetland mitigation of

historical impacts at the property located at 46 Scotic Neck Road, Assessors Map 28, Lot 24. Work to take place within Bordering Vegetated Wetland and Buffer Zone to Bordering Vegetated Wetland.

Recommendation: Engage Stormwater Peer Reviewer

Requests for Extensions

Cedar Street (SE023-1198): Approve request for 3-year extension to August 24, 2020

3 Sedgewick Road (SE023-1233): Approve request for 2-year extension to June 27, 2021.

Violations/Enforcement Orders/Cease and Desist Notices:

Assessors Map 15, Lot 43 (owner resides at 3 North Street) – clearing of vegetation in the buffer zone

Recommendation: TBD

55 Bayview Avenue

Comments/Recommendation: Area noted in Enforcement Order that needs to be restored to beach (right side of house) is not currently paved, though it is not natural substrate currently. I would recommend it be restored to beach as indicated in Enforcement Order due to amount of impervious surface already existing on site. I would also recommend that the area noted in the Enforcement Order to be restored to lawn be restored to something pervious due to proximity to the beach.

1 Alcobia Drive

Recommendation: I have recommended to the property owner that he file an RDA for the work he would like to do with respect to tree cutting, installing a fence, and installing a gate. I would recommend the Cease and Desist remain posted until the permit is issued.

33 Bayview Avenue

Recommendation: I have recommended to the property owners that they file an NOI for the work they would like to do. I also recommended they have the edge of the resource area delineated so they know for certain what is buffer zone and what is resource area. Based on MassGIS, the area behind the shed where the vegetation was cut and where the gravel was placed is likely resource area. Any filing should include revegetation with native species that can assist in coastal bank stabilization. I would recommend the Cease and Desist remain posted until a permit is issued.

Thuja occidentalis planted → native to eastern lower 48 and Canada (USDA)

Assessors Map 29, Lots 54 and 71, Camel Street – dumping of fill in a wetland

Comments/Recommendation: Property is in tax title and owned by the Town. As such, DPW is able to remove the dumped fill and post a no dumping sign.

38 Camel Street

Recommendation: There needs to be filing for the removal of trees, installation of a driveway, and rebuild of a porch due to proximity to wetland and the fact that the property is in a flood zone.

End of Camel Street

Recommendation: No mowing beyond end of landscaped lawn. Fire pit is within existing landscaped lawn.

Assessors Map 41, Lots 60-67 and 74-81 (owner resides at 1 Pavilion Way) – clearing of vegetation, filling, and grading in a wetland

Comments/Recommendation: Why is the shrub planting deadline September 15th rather than August 31? Why is the upland adjacent to the wetland being seeded with commercial lawn mix rather than a seed mix that is more appropriate for a transitional buffer zone area?

I recommend accepting the restoration plan with the following modifications: include Spring 2022 in monitoring plan, upland buffer zone area being seeded with something a little more appropriate than commercial lawn mix, an as-built plan will be provided to the Commission upon completion of the restoration. It shall be recorded at the Registry of Deeds that the owner of the property described in this Order must advise any potential buyer of the property that any construction or alteration to said property, including brush cutting or clearance, may require approval by the Fairhaven Conservation Commission. Any instrument conveying any or all of the owners' interest in said property or any portion thereof shall contain language similar to the following:

“This property is subject to the Fairhaven Wetlands Bylaw and/or the Massachusetts Wetlands Protection Act. Any construction or maintenance work performed on this property requires an Order of Conditions and/or a Determination of Applicability from the Fairhaven Conservation Commission.”

This condition is ongoing and shall not expire with any transfer of ownership.

The following conditions shall also apply: REP-2, REP-3, REP-8, REP-10, REP-11, REP-12

General Business:

- a) Payment of Bills: 2 bills
- b) Hedge Street: Email from Vinnie
- c) Notice of Intent Filing Fees clarification: Notice of Intent bylaw fees calculated as WPA fees are calculated or flat fee?